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§ 119-1. Definitions.

- The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section, unless otherwise expressly provided:

BOARD -- The Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania.

JUNK -- Any and all forms of waste, refuse, discarded or salvageable articles or materials, including but not limited to scrap metal, papers, rags, glass, containers, structures, junked motor vehicles, junked trailers, machinery and equipment.

JUNK DEALER -- Any person who buys, sells, salvages, stores or in any way deals in junk or owns, leases, operates or maintains a junkyard within the township.

JUNKED MOTOR VEHICLE -- All types of automobiles, trucks, tractors and self-propelled machinery of all types, except usable farm machinery, for which no motor vehicle registration plate or yearly renewable tab is displayed for the current registration year as issued by the Pennsylvania Bureau of Motor Vehicles. Junked motor vehicles shall also include any trailer, semitrailer or any other article which would be classified a motor vehicle under the Vehicle Code of Pennsylvania, which does not display and retain a registration plate or yearly renewable tab for the current registration year.

JUNKYARD -- Any place where junk, as herein defined, is stored or accumulated. Any premises, as herein defined, having one or more junked motor vehicles and/or unlicensed trailers thereon shall be deemed to be a junkyard.

PERSON -- Any natural person, partnership, firm, company, corporation or other legal entity, including singular and plural, male and female.

PREMISES -- Any parcel of land situated in Lower Paxton Township, Dauphin County, Pennsylvania, having a separate Tax Map parcel number for county assessment purposes.

TOWNSHIP -- The Township of Lower Paxton, Dauphin County, Pennsylvania.

TRAILER -- Any wheeled vehicle not self-propelled, drawn by a motor vehicle.

§ 119-2. License to operate.

- No person shall be a junk dealer or own, lease, operate or maintain a junkyard, as herein defined, within the township without first obtaining a license to operate a junkyard as a junk dealer.

§ 119-3. License application; fee.

- Any person desiring to be licensed as a junk dealer in the township shall first make written application to the Board. Such application shall be in the form established by the Board and shall set forth the applicant's name and address and include an accurate description of the premises on which the junkyard is to be located including the Dauphin County Tax Map parcel number(s), a statement that the applicant will comply with this chapter and any regulations adopted pursuant to this chapter and such other information as the Board may require. An application fee as set forth from time to time by resolution of the Board of Supervisors shall accompany all applications and is not returnable should the license be denied.

§ 119-4. License issuance.

- An application for license under this chapter shall be examined by the Board, and such license shall be issued or refused within 30 days of submission to the Board. When the application is found in compliance with the provisions herein given, together with the zoning ordinances of the township, the Board shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application. Such license shall at all times be conspicuously displayed upon the junkyard premises. The license shall be nontransferable both as to the junkyard premises and junk dealer.

§ 119-5. Annual fee; term; renewal.

- The annual fee for such license shall be as set forth from time to time by resolution of the Board of Supervisors, and the license shall be effective for one calendar year only. Each license terminating on December 31 for the year in which it is issued shall be subject to renewal upon

reapplication. All fees are due, payable to and for the use of the township, at the time of application.

§ 119-6. License renewal.

- Licenses issued under this chapter are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such form as may be required by the Board and accompanied by the license fee. Renewal applications are subject to complete re-examination and consideration by the Board for continued compliance with the terms of this chapter. No application fee is required for the issuance of a renewal license.

§ 119-7. Operating requirements.

- Every junk dealer licensed under this chapter shall maintain the licensed junkyard and conduct business as hereinafter provided:
 - **A.** All junk shall be stored behind a fence, as specified in Subsection B herein. Such fence shall be set back at least 15 feet from the right-of-way of the public road and shall be set back at least three feet from all other property lines.
 - **B.** Every junkyard shall be completely fenced with a solid covered fence, of material such as masonry, corrugated metal or wood, to a height of at least eight feet. The gate must be of similar material and shall be closed and locked when closed for business. The fence and gate must be maintained in such a manner as not to become unsightly. There shall be no advertising of any form placed on the fence.
 - **C.** No junkyard shall cover an area in excess of five acres.
 - **D.** No junkyard shall operate on Sunday nor between the hours of 8:00 p.m. and 7:00 a.m., except to remove any wrecked automobiles from any public highway.
 - **E.** All junk shall be stored and arranged so as to permit access by fire-fighting equipment and to prevent accumulation of stagnant water. Junked automobiles shall be spaced in rows with at least 15 feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than eight feet from the ground.
 - **F.** All gasoline and oil shall be drained from any junked automobile into containers within 12 hours after the arrival of the junked automobile upon such premises. Gasoline or oil shall be stored at only one location on the licensed premises, and no more than 20 gallons, in aggregate, of gasoline and oil shall be stored above ground.
 - **G.** All weeds on any junkyard shall be kept mowed and shall not be permitted to seed.

- **H.** During business hours, an adult attendant shall at all times remain on the junkyard premises.
- **I.** No garbage or organic waste shall be permitted to be stored on any junkyard.
- **J.** Paper, rags, plastic materials and rubbish shall not be stored outside and shall not be accumulated or remain on any junkyard premises for more than one month.
- **K.** Junkyards shall at all times be maintained in such manner so as not to cause public or private nuisance, nor cause any menace to the health or safety of any persons off the premises, nor cause any excessive, offensive or noxious smoke or odors, nor cause the breeding, harboring or infesting of rats, rodents or vermin, nor cause a violation of any health or sanitary law, ordinance or regulation of any governmental body.
- **L.** Records of all junk received or removed from any junkyard shall be kept for a period of 10 years by the junk dealer on the premises and shall contain the names and addresses of persons from whom junk was received or delivered, the date thereof and a description of the junk. Such records shall at all times be open to inspection by any member of the Board or its duly authorized agent or any law enforcement officer.

§ 119-8. Inspection of premises.

- Any member of the Board or a duly authorized agent thereof may at any time enter upon and inspect any premises for which there is a pending application for a junkyard license or which holds a current junkyard license.

§ 119-9. Legal action; remedy.

- The Board or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this chapter, and this chapter shall in no way restrict any remedies otherwise provided by law.

§ 119-10. Violations and penalties.

- This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who or which violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

